

DEPARTMENT OF LABOR AND INDUSTRY

CHAPTER 114

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Sub-Chapter 1

Organizational Rule

24.114.101 BOARD ORGANIZATION (1) The board of architects hereby adopts and incorporates the organizational rules of the department of labor and industry as listed in chapter 1 of this title. (History: 2-4-201, MCA; IMP, 2-4-201, MCA; Eff. 12/31/72; TRANS, from Dept. of Prof. & Occup. Lic., Ch. 274, L. 1981, Eff. 7/1/81; TRANS, from Commerce, 2002 MAR p. 173.)

Sub-Chapter 2

Procedural Rules

24.114.201 PROCEDURAL RULES (1) The board of architects hereby adopts and incorporates the procedural rules of the department of labor and industry as listed in chapter 2 of this title. (History: 2-4-201, MCA; IMP, 2-4-201, MCA; Eff. 12/31/72; TRANS, from Dept. of Prof. & Occup. Lic., Ch. 274, L. 1981, Eff. 7/1/81; TRANS, from Commerce, 2002 MAR p. 173.)

24.114.202 PUBLIC PARTICIPATION (1) The board of architects hereby adopts and incorporates by this reference the public participation rules of the department of commerce as listed in chapter 2 of this title. (History: 2-4-201, MCA; IMP, 2-4-201, MCA; NEW, 1990 MAR p. 583, Eff. 3/30/90; TRANS, from Commerce, 2002 MAR p. 173.)

Subchapter 3

Definitions

24.114.301 DEFINITIONS (1) "Emergency" means earthquake, eruption, flood, storm, hurricane, or other catastrophe designated as a major disaster or emergency by the president of the United States or governor or other duly authorized official of the state.

(2) "NCARB" means the National Council of Architectural Registration Boards located at 1801 K Street NW, Suite 1100, Washington, DC, 20006-1310.

(3) "Responsible control" means the amount of control over and detailed knowledge of the content of technical submissions during their preparation as is ordinarily exercised by registered architects applying the required professional "standard of care."

(4) "Technical submissions" means the drawing, specifications, studies and other technical reports prepared in the course of practicing architecture. (History: 37-1-319, 37-65-204, MCA; IMP, 37-1-319, 37-65-308, MCA; NEW, 2000 MAR p. 2298, Eff. 8/25/00; TRANS, from Commerce, 2002 MAR p. 173; AMD, 2006 MAR p. 1381, Eff. 6/2/06.)

Subchapter 4

General Provisions

24.114.401 FEE SCHEDULE (1) The following fees apply:

- (a) Application fee for applicants registered in another state or jurisdiction \$100
- (b) Biennial renewal 110
- (c) Original license fee (prorated for licensure in midrenewal year) 80
- (2) All fees are nonrefundable.

(3) Additional standardized fees are specified in ARM 24.101.403. (History: 37-1-131, 37-1-134, 37-65-204, MCA; IMP, 37-1-134, 37-1-141, 37-65-307, MCA; NEW, 1982 MAR p. 1476, Eff. 7/30/82; AMD, 1983 MAR p. 645, Eff. 6/17/83; AMD, 1984 MAR p. 499, Eff. 3/30/84; AMD, 1988 MAR p. 166, Eff. 1/29/88; AMD, 1990 MAR p. 583, Eff. 3/30/90; AMD, 1996 MAR p. 3210, Eff. 12/20/96; AMD, 1998 MAR p. 449, Eff. 2/13/98; AMD, 2000 MAR p. 2298, Eff. 8/25/00; TRANS, from Commerce, 2002 MAR p. 173; AMD, 2002 MAR p. 175, Eff. 2/1/02; AMD, 2006 MAR p. 1381, Eff. 6/2/06; AMD, 2006 MAR p. 1583, Eff. 7/1/06.)

24.114.402 INDIVIDUAL SEAL (1) Every licensed architect shall have a seal which must contain the name of the architect, the city and state of the architect's place of business, the architect's Montana license number and the words "LICENSED ARCHITECT, STATE OF MONTANA".

(2) All technical submissions prepared by an architect must be stamped and signed with the architect's seal or the seal of the firm. The permit set must bear the architect's original signature. Electronically generated seals and signatures are acceptable under this rule. (History: 37-1-131, 37-65-204, MCA; IMP, 37-65-308, MCA; Eff. 12/31/72; AMD, 1977 MAR p. 103, Eff. 9/23/77; TRANS, from Dept. of Prof. & Occup. Lic., Ch. 274, L. 1981, Eff. 7/1/81; AMD, 1986 MAR p. 789, Eff. 5/16/86; AMD, 1987 MAR p. 253, Eff. 3/13/87; AMD, 1995 MAR p. 352, Eff. 3/17/95; AMD, 1998 MAR p. 449, Eff. 2/13/98; AMD, 2000 MAR p. 2298, Eff. 8/25/00; TRANS, from Commerce, 2002 MAR p. 173; AMD, 2006 MAR p. 1381, Eff. 6/2/06.)

24.114.403 BUSINESS ENTITY PRACTICE (1) When there is a partnership or other business entity of architects, the individual names and license numbers may appear on one seal.

(2) Nothing shall prevent a professional limited liability company, or a professional corporation from performing or holding itself out as able to perform any of the services involved in the practice of architecture, provided that:

(a) two-thirds of the total managers (if a professional limited liability company), or directors (if a professional corporation) are registered under the laws of any United States jurisdiction or any foreign jurisdiction approved by the board as architects or engineers; and

(b) one-third of the total managers or directors are registered as architects in Montana. (History: 35-4-301, 35-8-1304, 37-1-131, 37-65-204, MCA; IMP, 35-4-205, 35-4-207, 35-4-208, 35-4-209, 35-4-301, 35-8-1304, 37-65-101, 37-65-302, MCA; NEW, 2000 MAR p. 2298, Eff. 8/25/00; TRANS, from Commerce, 2002 MAR p. 173; AMD, 2005 MAR p. 2077, Eff. 10/28/05; AMD, 2006 MAR p. 1381, Eff. 6/2/06.)

24.114.404 ARCHITECT PARTNERSHIPS TO FILE STATEMENT WITH BOARD OFFICE (1) All licensees who enter into partnerships, limited partnerships or profit corporations, subchapter S corporations or any other form of business entity in which their professional talent and service are utilized, shall file with the board office a statement of the existence of the business entity and the licensee's relationship to it. (History: 37-1-131, 37-65-204, MCA; IMP, 35-4-209, 37-65-302, MCA; NEW, 1986 MAR p. 789, Eff. 5/16/86; AMD, 1998 MAR p. 449, Eff. 2/13/98; TRANS, from Commerce, 2002 MAR p. 173; AMD, 2006 MAR p. 1381, Eff. 6/2/06.)

24.114.405 QUALIFICATIONS REQUIRED FOR MONTANA BRANCH OFFICE (1) No firm, corporation, partnership or individual may establish or maintain within this state, a branch office to engage in the practice of architecture unless such branch office is under the responsible control and direction of a Montana licensed resident architect who is in the branch office a majority of the time the office is open. (History: 37-1-131, 37-65-204, MCA; IMP, 37-65-303, MCA; Eff. 12/31/72; AMD, Eff. 7/5/74; AMD, 1980 MAR p. 1720, Eff. 6/27/80; TRANS, from Dept. of Prof. & Occup. Lic., Ch. 274, L. 1981, Eff. 7/1/81; AMD, 1986 MAR p. 789, Eff. 5/16/86; AMD, 1990 MAR p. 583, Eff. 3/30/90; AMD, 2000 MAR p. 2298, Eff. 8/25/00; TRANS, from Commerce, 2002 MAR p. 173; AMD, 2006 MAR p. 1381, Eff. 6/2/06.)

24.114.406 SOLICITATION OF BUSINESS BY NONRESIDENT

ARCHITECTS (1) A nonresident architect may offer architectural services in this state without compensation upon submission to the board of verification of the following:

(a) a current, unrestricted architecture license issued by the state where the architect's principal offices are located; and

(b) a current NCARB certificate.

(2) The nonresident architect may not accept a commission or otherwise engage in the practice of architecture within this state until licensed by the board. (History: 37-1-131, 37-65-204, MCA; IMP, 37-65-301, MCA; NEW, 1996 MAR p. 3210, Eff. 12/20/96; AMD, 1998 MAR p. 449, Eff. 2/13/98; TRANS, from Commerce, 2002 MAR p. 173; AMD, 2006 MAR p. 1381, Eff. 6/2/06.)

24.114.407 EMERGENCY USE OF ARCHITECTS (1) Nothing shall prevent

a person who is not currently registered in this state and is currently registered in another United States or Canadian jurisdiction, from providing uncompensated (other than reimbursement of expenses) professional services at the scene of an emergency at the request of a public officer, public safety officer, or municipal or county building inspector, acting in an official capacity. (History: 37-1-131, 37-65-204, MCA; IMP, 37-65-101, 37-65-301, MCA; NEW, 2000 MAR p. 2298, Eff. 8/25/00; TRANS, from Commerce, 2002 MAR p. 173; AMD, 2006 MAR p. 1381, Eff. 6/2/06.)

24.114.408 FEE ABATEMENT (1) The Board of Architects adopts and

incorporates by reference the September 24, 2004, fee abatement rule of the Department of Labor and Industry found at ARM 24.101.301.

(2) A copy of ARM 24.101.301 is available by contacting the Board of Architects, 301 South Park Avenue, P.O. Box 200513, Helena, MT 59620-0513. (History: 37-1-131, MCA; IMP, 17-2-302, 17-2-303, 37-1-134, MCA; NEW, 2005 MAR p. 2077, Eff. 10/28/05.)

Subchapter 5

Licensing

24.114.501 EXAMINATION (1) Applicants for licensure in Montana shall pass the architectural registration examination (ARE). To be admitted to the ARE, applicants shall complete the education and training requirements and obtain a council record.

(a) Eligibility requirements must be verified by the council record and satisfied in accordance with the NCARB handbook for interns and architects. The handbook is available from NCARB or the board office and is adopted and incorporated herein by reference.

(2) Applicants shall either:

(a) hold a degree in architecture from a school of architecture, the degree curriculum of which was accredited by the National Architectural Accrediting Board (NAAB) not later than two years after graduation; or

(b) meet the alternate education criteria outlined in the NCARB handbook.

(3) Applicants shall pass all sections of the ARE and request submittal to the board of all exam scores for every section of the exam passed.

(a) Applicants shall be permitted to retake any or all sections of the examination that the applicant failed to pass.

(4) Examination records shall be confidential and shall not be considered public records. Nothing herein shall prevent the board from reporting applicants' scores to architectural registration boards in other jurisdictions or to NCARB.

(History: 37-1-131, 37-65-204, MCA; IMP, 37-65-301, 37-65-303, MCA; Eff. 12/31/72; AMD, 1980 MAR p. 2662, Eff. 9/26/80; TRANS, from Dept. of Prof. & Occup. Lic., Ch. 274, L. 1981, Eff. 7/1/81; AMD, 1986 MAR p. 789, Eff. 5/16/86; AMD, 1990 MAR p. 583, Eff. 3/30/90; AMD, 1992 MAR p. 1468, Eff. 7/17/92; AMD, 1995 MAR p. 352, Eff. 3/17/95; AMD, 1996 MAR p. 3210, Eff. 12/20/96; AMD, 1998 MAR p. 449, Eff. 2/13/98; AMD, 2000 MAR p. 2298, Eff. 8/25/00; TRANS, from Commerce, 2002 MAR p. 173; AMD, 2002 MAR p. 175, Eff. 2/1/02; AMD, 2002 MAR p. 3046, Eff. 11/1/02; AMD, 2006 MAR p. 1381, Eff. 6/2/06.)

24.114.502 LICENSURES BY EXAMINATION (1) Applicants for licensure by examination shall:

- (a) submit to the board a completed application, on forms prescribed by the board, including all required fees and documentation;
- (b) take and pass the ARE;
- (c) submit the ARE scores from the applicant's designated state; and
- (d) meet all the requirements set forth in ARM 24.114.501. (History: 37-1-131, 37-65-204, MCA; IMP, 37-65-301, 37-65-303, MCA; NEW, 2000 MAR p. 2298, Eff. 8/25/00; TRANS, from Commerce, 2002 MAR p. 173; AMD, 2006 MAR p. 1381, Eff. 6/2/06.)

24.114.503 LICENSURE OF APPLICANTS REGISTERED IN ANOTHER STATE (1) Applicants holding valid licensure to practice architecture in another state or jurisdiction shall:

- (a) submit to the board a completed application, on forms prescribed by the board, including all required fees and documentation;
- (b) present proof the applicant is the holder of a blue cover certificate issued by NCARB. Applications for the certificate shall be sent to NCARB for processing. (History: 37-1-131, 37-65-204, MCA; IMP, 37-1-304, 37-65-301, MCA; Eff. 12/31/72; AMD, Eff. 10/5/74; AMD, 1979 MAR p. 1391, Eff. 11/16/79; AMD, 1980 MAR p. 1720, Eff. 6/27/80; TRANS, from Dept. of Prof. & Occup. Lic., Ch. 274, L. 1981, Eff. 7/1/81; AMD, 1982 MAR p. 1476, Eff. 7/30/82; AMD, 1987 MAR p. 253, Eff. 3/13/87; AMD, 1994 MAR p. 1577, Eff. 6/10/94; AMD, 1996 MAR p. 3210, Eff. 12/20/96; AMD, 1998 MAR p. 449, Eff. 2/13/98; AMD, 2000 MAR p. 2298, Eff. 8/25/00; TRANS, from Commerce, 2002 MAR p. 173; AMD, 2002 MAR p. 175, Eff. 2/1/02; AMD, 2002 MAR p. 3046, Eff. 11/1/02; AMD, 2006 MAR p. 1381, Eff. 6/2/06.)

Rules 24.114.504 through 24.114.509 reserved

24.114.510 ARCHITECTS-IN-TRAINING (1) Persons who are not licensed under Title 37, chapter 65, MCA, may use the title "architect-in-training" in representing themselves to the public, as long as such persons:

(a) perform their work activities under the direct supervision and responsibility of a licensed architect;

(b) have obtained the proper degree; and

(c) are actively pursuing training toward licensure.

(2) An architect-in-training must cease use of the title if the person ceases activities or work in pursuit of licensure.

(3) Principals of firms employing architects-in-training may use the title "architect-in-training" as they deem appropriate when making presentations, in promotional materials, etc. (History: 37-1-131, 37-65-204, MCA; IMP, 37-65-301, MCA; NEW, 1998 MAR p. 449, Eff. 2/13/98; TRANS, from Commerce, 2002 MAR p. 173; AMD, 2006 MAR p. 1381, Eff. 6/2/06.)

Subchapters 6 through 20 reserved

Subchapter 21

Renewals

24.114.2101 RENEWALS (1) Renewal notices will be sent as specified in ARM 24.101.414.

(2) The renewal date is set by ARM 24.101.414.

(3) The provisions of ARM 24.101.408 apply. (History: 37-1-131, 37-1-141, 37-65-204, MCA; IMP, 37-1-131, 37-1-141, MCA; Eff. 12/31/72; AMD, 1977 MAR p. 104, Eff. 9/23/77; TRANS, from Dept. of Prof. & Occup. Lic., Ch. 274, L. 1981, Eff. 7/1/81; AMD, 1982 MAR p. 1476, Eff. 7/30/82; AMD, 1990 MAR p. 583, Eff. 3/30/90; AMD, 1998 MAR p. 449, Eff. 2/13/98; TRANS, from Commerce, 2002 MAR p. 173; AMD, 2002 MAR p. 175, Eff. 2/1/02; AMD, 2006 MAR p. 1583, Eff. 7/1/06.)

Subchapter 22 reserved

Subchapter 23

Unprofessional Conduct

24.114.2301 UNPROFESSIONAL CONDUCT (1) Violation of any of these standards by a licensee constitutes unprofessional conduct and is grounds for disciplinary action:

- (a) being incompetent or negligent, or using any practice or procedure in the practice of the profession which creates an unreasonable risk of physical harm or serious financial loss to the client or to the public;
- (b) practicing beyond the scope of knowledge and expertise of the licensee as defined by law;
- (c) failing to supervise the work of another whereby the supervisor has both responsible control over and detailed professional knowledge of the work prepared under the supervisor's supervision;
- (d) accepting compensation for architectural services from more than one party on a project, unless the circumstances are fully disclosed to and agreed to in writing by all interested parties;
- (e) soliciting or accepting compensation from material or equipment suppliers in return for specifying or endorsing their products;
- (f) misrepresenting to a prospective or existing client or employer the licensee's qualifications and the scope of architectural responsibility in connection with work for which the architect is claiming credit or being compensated;
- (g) offering or making any gifts, other than gifts of nominal value (including, for example, reasonable entertainment and hospitality), with the intent of influencing the judgment of an existing or prospective client in connection with a project in which the architect is interested;
- (h) making public statements on architectural questions, without disclosing that the architect is being compensated for making such statements;

(i) knowingly injuring or attempting to injure, falsely or maliciously, directly or indirectly, the professional reputation, prospects or practice of another licensed architect;

(j) representing the work of others as the architect's own;

(k) using or altering material prepared by another person without the knowledge and consent of that person;

(l) performing professional services which have not been authorized by the client or the client's legal representative; and

(m) willfully making or filing false reports or records. (History: 37-1-131, 37-1-319, 37-65-204, MCA; IMP, 37-1-316, MCA; NEW, Eff. 7/5/74; AMD, 1978 MAR p. 1487, Eff. 10/27/78; TRANS, from Dept. of Prof. & Occup. Lic., Ch. 274, L. 1981, Eff. 7/1/81; AMD, 1987 MAR p. 253, Eff. 3/13/87; AMD, 1990 MAR p. 583, Eff. 3/30/90; AMD, 1995 MAR p. 352, Eff. 3/17/95; AMD, 1996 MAR p. 3210, Eff. 12/20/96; AMD, 1998 MAR p. 449, Eff. 2/13/98; AMD, 2000 MAR p. 2298, Eff. 8/25/00; TRANS, from Commerce, 2002 MAR p. 173; AMD, 2006 MAR p. 1381, Eff. 6/2/06.)

Subchapter 24

Unprofessional Conduct

24.114.2401 COMPLAINT PROCEDURE (REPEALED) (History: 37-65-204, MCA; IMP, 37-1-308, 37-1-309, MCA; NEW, 1996 MAR p. 3210, Eff. 12/20/96; TRANS, from Commerce, 2002 MAR p. 173; REP, 2006 MAR p. 1381, Eff. 6/2/06.)

24.114.2402 SCREENING PANEL (1) The board screening panel shall consist of three members of the board including the current president of the board, and two other board members, as chosen by the president. The president may reappoint or replace screening panel members as necessary at the president's discretion.

(2) The screening panel shall review anonymous complaints to determine whether appropriate investigative or disciplinary action may be pursued, or whether the matter may be dismissed for lack of sufficient information. (History: 37-1-131, 37-65-204, MCA; IMP, 37-1-307, MCA; NEW, 1996 MAR p. 3210, Eff. 12/20/96; AMD, 1998 MAR p. 449, Eff. 2/13/98; TRANS, from Commerce, 2002 MAR p. 173; AMD, 2006 MAR p. 1381, Eff. 6/2/06.)